

Michael Fuller, OSB No. 09357

OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

Emily Templeton, OSB No. 221744

OlsenDaines
emily@underdoglawyer.com
Direct 971-352-2503

Alina Salo, OSB No. 164746

Salo Law LLC
alina@salolawoffice.com
Direct 503-208-6716

Kelly D. Jones, OSB No. 074217

Law Office of Kelly D. Jones
kellydonovanjones@gmail.com
Direct 503-847-4329

Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

SARA BROWN

Plaintiff

vs

**BROOKDALE SENIOR
LIVING COMMUNITIES, INC.
and STACEY ELLIOTT**

Defendants

Case No. 3:23-cv-00078-YY

COMPLAINT

FIRST AMENDED

Discrimination;
Injunctive Relief

DEMAND FOR JURY TRIAL

1.

JURISDICTION AND THE PARTIES

According to defendants' notice of removal, this Court has jurisdiction under 28 U.S.C. § 1332 because the matter in controversy exceeds \$75,000 and the parties are citizens of different states.

2.

FACTUAL ALLEGATIONS

In January of 2022, Ms. Brown began working at Brookdale Senior Living, Inc. as a registered nurse. Ms. Elliott worked at Brookdale Senior Living, Inc. as the director of district operations.

3.

In or around July of 2022, Ms. Brown reported in good faith information she believed to be evidence of a violation of state or federal law to defendants. Specifically, Ms. Brown reported behavior by defendants that she believed violated state and federal consumer, labor, health, and safety laws, including charging residents for services they weren't receiving, working minors over 40 hours a week, and requiring staff to work without at least 8 hours between shifts.

4.

In or around July of 2022, Ms. Brown invoked the workers' compensation system.

5.

Defendants then discriminated and retaliated against Ms. Brown including by terminating her employment on August 15, 2022, in substantial part because Ms. Brown had reported information she believed to be evidence of a violation of state or federal law, and invoked the workers' compensation system, causing Ms. Brown emotional distress and inconvenience and interference with her normal and usual activities apart from activities in a gainful occupation.

6.

Brookdale Senior Living, Inc. is the largest operator of senior housing in the United States, with annual revenue of \$3.02 billion in 2020.

7.

Brookdale Senior Living, Inc.'s acts and omissions as alleged in this complaint were intentional, malicious, and showed a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of others.

8.

CLAIM FOR RELIEF

ORS 659A.885

Brookdale Senior Living, Inc. conducts regular, sustained business activity in Multnomah County with six or more employees. Defendants' behavior as alleged in this complaint violated ORS 659A.199 by retaliating against Ms. Brown because she reported in good faith information that she believed was evidence of a violation of a state or federal law, rule or regulation, and defendants violated ORS 659A.040 by discriminating against Ms. Brown because she invoked the workers' compensation system. Under ORS 659A.885, Ms. Brown requests judgment against defendants allowing fair compensation in an amount to be determined by the jury to be reasonable, and attorney fees and costs and disbursements, and an injunction stopping defendants from engaging in the unlawful practices giving rise to this complaint. Ms. Brown also requests judgment against Brookdale Senior Living, Inc. allowing punitive damages in an amount to be decided by the jury to be reasonable, not to exceed 1% of Brookdale Senior Living, Inc.'s annual revenue, or \$30 million, whichever amount is smaller.

9.

Request for jury trial.

10.

PRAYER FOR RELIEF

Ms. Brown seeks relief against defendants as requested above, and for any other relief this Court may determine is fair. Ms. Brown reserves the right to amend this complaint to adjust the claims for compensation and damages and to add claims and additional defendants. Some of the complaint's allegations are based in part on the memory of witnesses, which may later prove to be inaccurate in parts, and so the complaint may later be amended before trial to conform the allegations to the evidence obtained throughout the case. This complaint is made on personal knowledge as to Ms. Brown's actions and based on information and belief as to the actions of others.

January 18, 2023

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Plaintiff

OlsenDaines

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000

CERTIFICATE OF SERVICE

I certify that I caused this document to be served on all parties by filing the document through the Official Court Electronic Document Filing System.

January 18, 2023

s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Plaintiff
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US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000